

# United States District Court

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SOUTHERN

DISTRICT OF

NEW YORK

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ATLANTIC CASUALTY INSURANCE COMPANY

**SUMMONS IN A CIVIL CASE****V.**

CASE NUMBER:

**07 CV 4098****CLERK CHIN**

TO: (Name and address of defendant)

Wonder Works Construction Corp.  
18 West 21st Street  
New York, New York 10010

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cyril E. Smith, Esq.  
Nixon Peabody LLP  
437 Madison Avenue  
New York, New York 10022  
(212) 940-3026

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

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J. MICHAEL McMAHON  
CLERK



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(BY) DEPUTY CLERK

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DATE

MAY 25 2007

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input type="checkbox"/> Other (specify): _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____</p> <p>Signature of Server _____</p> <p>Address of Server _____</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
ATLANTIC CASUALTY INSURANCE COMPANY,

against  
FORTHRIGHT CONSTRUCTION, INC. ET AL.,

Plaintiff(s)

Defendant(s)

Index No. 07 CIV 4098

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

IN A CIVIL CASE, COMPLAINT FOR  
DECLARATORY JUDGMENT AND MONEY  
JUDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at CORONA, NEW YORK  
That on 6/6/07 at 2:31 PM, at 18 WEST 21ST STREET, NEW YORK, NEW YORK  
deponent served the within summons, and complaint on WONDER WORKS CONSTRUCTION CORP. defendant therein named,  
IN A CIVIL CASE, COMPLAINT FOR DECLARATORY JUDGMENT AND MONEY JUDGMENT

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION a DOMESTIC corporation, by delivering thereat a true copy of each to WARREN SUSSMAN personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 SA.  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

MAILING TO BUSINESS USE WITH 3 OR 4 SB.

DESCRIPTION USE WITH 1, 2, OR 3  Male  White Skin  Black Hair  White Hair  14-20 Yrs.  Under 5'  Under 100 Lbs.  
 Female  Black Skin  Brown Hair  Balding  21-35 Yrs.  5'0"-5'3"  100-130 Lbs.  
  Yellow Skin  Blonde Hair  Mustache  36-50 Yrs.  5'4"-5'8"  131-160 Lbs.  
  Brown Skin  Gray Hair  Beard  51-65 Yrs.  5'9"-6'0"  161-200 Lbs.  
  Red Skin  Red Hair  Glasses  Over 65 Yrs.  Over 6'  Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE  I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore *ordinary civilian clothes and no military uniform*. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
6/7/07

IRVING BOTWINICK  
Notary Public, State of New York  
No. 01BO4657147  
Qualified in Rockland County  
Commission Expires Oct. 31, 2009

PRINT NAME beneath SIGNATURE  
JUAN D. AGUIRRE  
License No. 843839

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.